The Art of Negotiation

Goals & Objectives:

- To list examples that require successful negotiating skills in your personal and professional life
- To explain the elements of successful negotiation
- To describe the barriers to successful negotiation

Outline:
- Elements of Successful Negotiation
  - Preparation
    - Preparation Goals
    - Preparation Limits
  - Communication Skills
    - Active Listening
    - Clarity
    - Body Language
  - Emotional Control
  - Final Negotiations – Closing the Deal
  - Final Tips
    - Traits of a Great Negotiator
    - Successful Techniques
    - Unsuccessful Techniques
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The Art of Negotiation

Objectives:

Successful negotiation is an art form that comes naturally to some, but must be learned by most.

This module will discuss skills necessary to successfully negotiate goals and objectives in your personal and professional life.

Skills will be broken down into specific elements that may enhance or impede any outcome.

Introduction

If we poll an audience and ask them for the first thought that comes to mind when they think of the term ‘negotiation’, the most often responses will include labor, contract or political negotiations. Yet negotiations play a major role in all aspects of our professional and personal lives.
In the workplace we negotiate with our patients and their families and friends to obtain their full consent and cooperation. We negotiate with our peers, managers, physician staff and other healthcare workers, state and federal regulators and the list goes on and on.

In our personal lives we negotiate with our neighbors, our family and our friends. Any discussion that requires a decision at some level with an expected or unexpected outcome involves and requires negotiating skills. Think of the last time you discussed a project that involved your property and your neighbors. Was there any discussion with your family about attending a function that only part of the family was interested in attending? How about coordinating an activity with a friend – finding the ideal time and day of the week - - yes, as simplistic as it may sound, you had to negotiate for the outcome that you identified as important.

Negotiating with children is a unique challenge to assure completion of homework, returning home at the appointed hour, permission to participate in extracurricular activities or the latest haircut or color.

Whether we’re building support or overcoming resistance, we’re negotiating.

**Exercise #1:** List two examples where negotiation skills might be required in your professional life.

1. __________________________________________________________
   __________________________________________________________
2. __________________________________________________________
   __________________________________________________________

**Elements of Successful Negotiation**

**Preparation**

Preparation is the single most important element to a successful outcome. Preparation includes identifying the intended goal as well as setting limits to achieve that goal.

**Effective Communication Skills**

Effective communication plays a fundamental role in any interaction and is essential to successful negotiations. Effective communication skills include: the ability to listen and understand the intended message of the sender, clearly expressing your own thoughts and ideas in a way that is easily followed and understood by others, and finally, accurately interpreting the messages expressed through body language.

**Emotional Control**
Emotional control can play a pivotal role in successful negotiations. The higher the perceived stakes in a negotiating process, the greater the chance that emotions will play an important role in the final outcome. Techniques to enhance emotional well-being become an important asset to insure an optimal outcome.

Closing the Deal

Final negotiations resulting in achieving the defined objective – or ‘closing the deal’ relies on the negotiator’s ability to recognize that all elements of the goals have been achieved and all that remains is to finalize the process to implement those goals.

Preparation

Developing a Position of Strength

Preparation serves as the principal platform to achieve a successful outcome. Preparation builds strength and knowledge as specific issues are identified. Careful assessment of the issues on the table may help to identify hidden agendas that may lead to an unanticipated outcome.

Personalities offer a distinct challenge in any interaction. People come in all types and sizes – and the same is true for the personalities of those individuals that we interact with on a daily basis. Knowing the people and personalities that you will be negotiating with can pave the way to success. For example, consider two different individuals – Joe and John. Joe has a personality that requires a significant amount of social interaction, “Hello, how are you? How was your weekend? And the family, how are they doing? We had a great weekend, and so on. John requires no social interaction and is prepared to discuss the issues at hand without the pleasantries, “Ok, this is what I have and I need your approval to move forward”. Recognizing that different personalities require a different approach will assist in a more productive discussion and successful outcome.

Establishing a Foundation for Success and Developing Confidence

Careful preparation prior to any discussion lays the foundation for successful negotiations. Understanding the issues prior to discussing them develops an inner confidence supported by the knowledge that few, if any surprises can arise. Comprehensive preparation done prior to the actual negotiation process provides a complete and inclusive bank of knowledge to support and reinforce the intended discussion.

Preparation: Goals

Setting Goals

The ability to set specific goals requires that the objective or purpose be clearly defined and all variables affecting achievement of that purpose be understood.
The purpose is the outcome that a specific goal is intended to achieve. For example, your department has remained understaffed for the past year. In your analysis with similar facilities, you have identified that the wage scale and benefits at your institution fall significantly lower than the community standard.

Your ultimate purpose will be to fully staff your department by the first of the year – but you recognize that that cannot occur until wages and benefits meet, or exceed community standards. Therefore, your goal will be to successfully negotiate with administration to increase wages/benefits to meet or exceed community standards.

**Defining and Setting Limits**

In defining the activities necessary to achieve your goal, it is important to consider your limits. That is, if administration is willing to raise wages and benefits, but the outcome will result in a reduction in staff, then the price of that achievement will not be perceived by the staff as successful, and further erosion of the department may occur.

There are always trade-offs in negotiations. It is essential that you clearly define your limits prior to beginning the process or the outcome may be something less than desired.

As goals and limits are defined, it is important to consider, and then define specific actions that may be taken should the goal or outcome not be realized. In any situation, there are choices. Choices may be something as simple as ‘do nothing’ with an understanding of ‘nothing ventured, nothing gained’ all the way to the other extreme – a walkout to emphasize the seriousness of the situation.

Enforcing your limits may have unpleasant consequences – or may have the intended affect of forcing the hand of the other side. In labor negotiations, a strike is intended to emphasize the importance of labor’s position. A lock-out by management is intended to emphasize the finality of the institution’s last and final offer. In the end, a middle ground is most often achieved as each side moves to their final limits defined prior to the negotiation process.

Perhaps the most valuable recommendation for any successful negotiation is to never begin a negotiation until you’re prepared.

Lack of preparation will most often result in unexpected outcomes that may be far less than anticipated and in some cases counter-productive to the goal and purpose of the negotiation process.

**Communication Skills**

**Successful Communication**

The concept ‘successful communication’ might be considered an oxymoron when key elements of communication are missing. These elements include:

- The ability to listen, without interference, to the message being delivered.
• Discussing a concept in an open, receptive manner that allows both sides to hear and understand the message and appropriately respond to that message in a constructive way.
• Assuring that discussion points are presented clearly so that the issue is accurately understood.
• Understanding that communication is not limited to what we can hear. It also includes body language - messages or responses sent through facial expressions, eyes and body. Correctly interpreting body language is challenging, yet necessary to accurately understand the message delivered by the sender.

**Active Listening**

The ability to clear our minds to actively listen to someone may take a great deal of concentration. At any given moment we are bombarded with interruptions (internal or external) that can limit our ability to truly hear and understand a message being delivered. Internal distractions might include remembering an argument with a friend, thinking of that project that has to be on your administrator’s desk by 6:00 p.m., or dreaming of your trip to Maui next week. External distractions might include telephone calls or interruptions from unexpected visitors.

Improving our ability to listen requires that we turn off distracters. Turning off external distracters can be as simple as putting all calls on hold or closing the office door to discourage unexpected visitors. Turning off internal distractions may not be such a simple process. Put aside that project that must be completed by 6:00 p.m. and clear your mind of unnecessary thoughts so that you can give your full attention to the speaker. Sit up straighter in your chair and make sure that your body language does not signal closed reception (crossed arms/legs). Also, make direct eye contact with the speaker so that he knows that he has your full attention.

And most importantly, think carefully before you respond. Make sure you hear and understand the speaker’s message prior to responding and try to avoid thinking about your next response before the speaker has concluded his remarks.

**Exercise #2:** List two additional examples that demonstrate active listening.

1. ______________________________________________________________
   ______________________________________________________________

2. ______________________________________________________________
   ______________________________________________________________

**Barriers to Active Listening**

Like everything else in life, there are barriers that can impede our ability to clearly understand the message being delivered. Too often we enter a conversation with our own ideas about the topic – which can close the door to new ideas or ways of looking at the same issue.
If we perceive any danger, or uncertainty in a message being delivered – we may do whatever possible to block out what’s being said. Think of children that don’t want to hear a message. What do they do to block out that message? They cover their ears and sing, or shout at the top of their lungs, ‘la, la, la…I can’t hear you!’ Adults may be a bit more subtle; however, the result is the same – the message is blocked out.

When we’re tired, active listening may be impossible. The message becomes clouded as we attempt to fight off fatigue. If fatigue is interfering with the ability to listen, consider calling for a ‘time-out’ and go get a cup of coffee or take a brisk walk. If all else fails, reschedule the meeting to a later time.

Poor listening habits are established early in life. It takes a great deal of effort to ‘unlearn’ bad habits, but they are not impossible to overcome.

When we don’t respect an individual, it’s difficult to respect anything related to that person, including their ideas or suggestions. Although we would like to limit our communication to only those individuals that we know and trust, in real life that is not possible. Therefore, it is essential that our preparation helps to identify traits with an individual that we can respect; thus, improving our overall interaction with that person.

Clarity

There’s an old saying, “I know you believe that you understood what you think I said, but I’m not sure that you realize that what you heard was not what I meant!’

The ability to understand any message relies, in part, on our ability to actively listen, without distractions, to the message being delivered. Then we can accurately interpret that message in the context in which it was delivered. That may sound easy, but as we all know – communication is never easy.

Delivering a message that is easily understood and not misinterpreted is equally challenging and requires special attention for a successful outcome.

We can use several techniques to help clarify information that is being presented including:

- Ask questions that can help to identify key issues of the discussion.
- Use the information that was acquired during pre-negotiation preparation to formulate questions that can narrow the issues of the discussion.
- Use appropriate terminology to facilitate an accurate understanding of the issues being discussed.
- Follow-up with questions that will require a more specific answer when responses are too general.
- Keep responses short and very specific to the question. Avoid inserting information that may be interesting, but not necessarily specific to the subject.

When we provide information, it’s important to deliver that information in a logical, well organized manner that is easily understood. Perhaps the easiest way to accomplish this is to begin the conversation in very simple, general terms. Next, build understanding by building
incremental knowledge on the topic using real life experiences that are common to all – or presenting current scenarios that are specific to the negotiation process.

For example – in approaching administration regarding the need to increase wages and enhance benefits, we can start by stating the point to be made, that is, the wage scale is too low.

We then build on that point by providing a reason that supports that position – low wages result in job dissatisfaction and the loss of technologists.

The next step is to provide specifics that emphasize, and support the previous point – in the past three months we have lost four technologists to local community hospitals with wages exceeding our top range by $5.25. Because our wages are significantly below community standards, we have been unsuccessful in recruiting any new technologists to fill those vacant positions.

Finally, we refocus to the original point – our wage scale is too low.

**Barriers to Clarity**

There are several barriers that can be distracters to understanding or delivering a message:

- In some cases, it’s difficult to take a stand or present an opinion because we fear the rejection of our peers and others. If there is anticipation of rejection, incomplete information may be presented or the information may be modified in such a way that the message is no longer clear.
- In negotiations, even in our daily interactions with others, there is always a possibility that a statement may hurt another’s feelings, or be perceived as hurtful. Unfortunately, to avoid hurting someone’s feelings, information may be altered at the expense of clarity. Although there is no specific solution to this problem, whenever possible, strive for accuracy and clarity to assure understanding.
- General distractions and interruptions will reduce clarity. Whenever possible, try to minimize the number of distractions and interruptions, or reschedule the meeting to another time when distractions are minimized.
- Consider the last time you were discussing an important point with a group of people and side-bar conversations distracted the group and resulted in the need to restate information already presented. Side-bar conversations are inconsiderate and can significantly impact clarity and understanding of any issue. It is essential to eliminate all side-bar discussions and encourage that ideas and comments be shared to the group as a whole.
- Poor preparation impacts the clarity of any presentation or the ability to understand information presented. If adequate time is not available to prepare for a discussion, postpone the meeting to a later date. If a delay is not possible, listen carefully to the information presented, take accurate notes, then determine if a response can be made at a later date after careful analysis of the information presented.
- How many times have we heard the expression, “I don’t have time to explain it to you, figure it out for yourself!” When that scenario occurs, the person assigned to ‘figure it out’ may come up with a solution far different than intended, simply because someone was too busy to take the time to be clear about the information presented. If we are too busy to be clear, then be prepared for some surprising results.
Body Language

Body language plays a critical role in communication. Multiple messages and/or meanings can be sent via body language. Understanding Basic Body Language-101 can help to accurately interpret most messages.

Body language is an expression of feelings that are communicated through the eyes, facial expressions, position of the head, arms, legs and body position/posture.

As important as it is to accurately interpret body language, it’s also important to recognize that there are exceptions to every rule - body language can help to support, or contradict a message, or mean nothing at all. For example, the term ‘poker face’ describes an individual that has mastered the ability to show no emotion regardless of the situation.

When body language is signaling ‘open reception’, it is demonstrated through direct eye contact and an alert facial expression that may include smiling. The overall body position is relaxed with attentive posture, or perhaps leaning forward slightly in anticipation. It’s not uncommon for people to nod their heads as they agree with information presented or they may tilt their heads as they consider a new idea. In all cases, the body is relaying the message, ‘open to communication’.

Body language can also signal ‘closed reception’ during a discussion. Closed reception may be signaled by crossing the arms and/or legs. Direct eye contact will be avoided. Overall posture may be slouched in a ‘don’t care’ attitude, or tense with anger or frustration. Facial expressions may be totally absent or neutral. In the worst case scenario, facial expressions may be frowning and disapproving. Head movement may appear distracted or dismissive and issuing a clear message – ‘I’m not listening!’

Emotional Control

Emotional Control = Emotional Distance

Emotional control is essential in any important negotiation process. Emotional control begins by understanding our own personal strengths and weaknesses, then building on those strengths while minimizing weaknesses. The benefit of emotional control through self understanding is the ability to maintain the emotional distance necessary to be effective. Emotional control may necessitate emotional distance to neutralize the situation and avoid further conflict.

Perhaps the most important aspect of exploring and understanding our personal strengths and weaknesses is the ability to recognize what pushes our hot buttons – what issues can upset us and how we can address those issues to assure control when necessary.

There isn’t a single technique that can be effective in all scenarios for self control; however, one of the best tips to maintain control is the all-time favorite that we practice with our children called ‘time-out’.

A time-out is an opportunity to stop an action, conversation or emotion and create a distance to allow a recharging of self-confidence or control. A time-out can be created
by leaving the room for any reason including a bathroom break, getting a file or obtaining additional information from another source. The ability to recognize when a time-out is necessary is an important skill to cultivate.

Additional tips to consider that can help us to maintain emotional control include demonstrating enthusiasm appropriately. Enthusiasm is an important quality to have and share; however, it’s important to remember that our passion for a project or idea should never be at the expense of others.

It’s also important to recognize the difference between assertive behavior and aggressive behavior. Assertive, bold behavior is perceived by most as a positive attribute. Aggressive, combative behavior is viewed as detrimental and should be avoided.

In the real world, we win some battles and lose others. It’s important that we learn to deal with the frustration and discouragement associated with the lost battles to become more effective in the battles of tomorrow.

Perhaps one of life’s most important lessons is the realization that not all people are agreeable and easy to deal with. There are difficult people in the world and our ability to recognize and deal with the many personalities we encounter can help us to be more successful in any interactions we may attempt.

**Exercise # 3:** Give two additional examples of techniques to maintain emotional control.

1.  
   __________________________________________________________

2.  
   __________________________________________________________

**Difficult People**

Understanding personalities is a critical factor in any negotiation process.

People demonstrate traits, even as adults, that may be considered childish including the aggressive bully or the rude insensitive co-worker. Individuals that demonstrate passive/aggressive behavior or continually attempt to manipulate the situation or environment are very difficult to work with.

The ability to recognize specific personalities, and then implement tactics to neutralize the negative impact of that individual can significantly benefit the overall negotiation process.

**Techniques to Address Difficult People**

Some techniques that can help to control disruptive behavior include encouraging participation whenever possible because excluding individuals, specifically those that may be disruptive, may
not accomplish the desired results. Rather than excluding an individual, try to draw him into the process by encouraging constructive ideas and suggestions. If an individual attempts to dominate the meeting, ask others to discuss the ideas and suggestions of the dominator and try to build on, or improve his idea. In that way, the dominator feels empowered by watching his idea grow while drawing in the others in the group.

Maintaining firm control over a meeting may require assertive techniques. Rather than listing ground rules for a meeting, encourage the group to create their own ground rules, making acceptance of those rules more probable. Along those same lines, maintaining a clear focus is essential to a successful outcome. Try to avoid distractions, sidebar discussions and off-topic discussions that may sidetrack the defined goal of the meeting.

Whenever possible, give individuals the benefit of the doubt – this is especially true when building a new team for a project. There’s nothing to lose and everything to gain by establishing a level of trust that includes allowing a person the benefit of the doubt until proven otherwise.

And most importantly, when things seem to be out of control, take a ‘time-out’ to allow individuals the time that they may need to recharge their self-confidence and self-control.⁴

**Exercise #4:** Give one tactic for successfully interacting with each of the following personality traits:

- **Bully:** ____________________________________________________________________
- **Rude:** ____________________________________________________________________
- **Know-it-all:** _______________________________________________________________
- **Passive:** __________________________________________________________________

**Final Negotiations – Closing the Deal**

A ‘win-win’ outcome is based on the subjective perception of a ‘win’ as defined in the initial goals established during the preparation process.⁵ A win-win is achieved through honesty and respect from both parties.

Closing a deal is the ultimate goal to any negotiating process; however, closing a deal is not always possible. It’s important for any successful negotiator to recognize agreement or impasse and bring the meeting to a close.

If an agreement has been reached, it is important that all elements of that agreement be briefly summarized prior to the conclusion of the meeting. If an agreement cannot be reached, it is essential that the outstanding issues be briefly summarized to assure that both parties agree that no further movement is possible.
Final Tips

Traits of a Great Negotiator

Like everything that is done well, a great negotiator will demonstrate skills that can enhance the final outcome of a negotiation process including:

- Empathy
- Responsibility
- Flexibility
- Fairness
- Patience
- Self discipline
- Stamina
- Respect
- Personal Integrity
- Sense of Humor

As we look through this list of traits it’s not difficult to visualize this type of person because it is the type of person we welcome in our personal and professional lives.

It’s easier to interact with individuals that have earned our trust, demonstrated respect for others, as well as themselves, are patient, fair, and responsible, and display compassion and flexibility for others. Individuals that won’t give up when things get tough and encourage others to do the same are the qualities that we look for in trusted friends and colleagues.

Successful Techniques

It’s important to remember the little things that can reinforce any successful interaction.

An important point to remember is that some people cannot comprehend the large picture immediately – so it can help to break down a complicated concept into more manageable pieces – working systematically from ideas that can be readily understood, then building on that knowledge to the more difficult, or complex issues.

Formality for many is a difficult environment to work in. Whenever possible – and appropriate, try to create a relaxed environment. This can be accomplished in several ways. For example, instead of sitting behind a desk, move the conversation to a couch, or sitting area. If a sitting area is not available, remove the desk barrier by bringing your chair around to the other side of the desk. This creates a more relaxed environment that reinforces the perception of a ‘level playing field’. Taking a walk away from the more formal office setting can, in many cases, accomplish the same results. Additionally, adding a little humor, when appropriate, can help others feel more relaxed and comfortable.

Another tip – some individuals are very visual in their thinking process. Understanding personalities can help to identify the ‘show me’ person that may require real-world examples that will help him to understand the point being made.

Techniques to Avoid

As with anything in life, understanding and avoiding the list of ‘don’ts’ can be the difference between success and failure.
We have learned that preparation plays a critical role to the success of a negotiation. Starting negotiations before we are ready is setting ourselves up for failure.

As part of our preparation, it’s important to identify the appropriate person to negotiate with. Consider the purchase of the car – how frustrating is it to get to the final negotiation only to be told that the final ‘deal’ must be approved by the manager? Cut out the middle man and do all of our negotiations with the person that can make the decision and close the deal.

Regardless of the circumstances, personal attacks will always result in a negative outcome. No matter how good it might feel at the time, personal attacks will ultimately produce a lose/lose situation.

A lose/lose outcome can come quickly when control is lost. Loss of control can be the result of losing sight of the goals and limits that were initially set in our preparation process or allowing someone to push our button and cause us to lose emotional control. Other techniques to avoid include inflexibility too early in the process, or worrying too much about the other guy rather than being focused on our own goals and ultimate objectives. It’s the little things that can make, or break a successful negotiation process.

**Summary:**

Over the course of this module we have learned that preparation plays an important role in the success of any negotiation. Identifying, then accurately describing the objective that the goal will achieve is critical to the process. Setting limits will help to define and control the negotiation process. As Kenny Rogers says, ‘know when to hold them, know when to fold them’.

Communication skills will always play a critical role in any interaction. It is essential to hear and be heard, understand and be understood – and in some instances – be able to read between the lines to accurately interpret mixed messages that are sent when body language contradicts the spoken word.

Human emotions are unpredictable. The ability to control our emotions using practiced techniques such as ‘time-outs’ and not allowing others to push our buttons can help us to more effectively interact with others.

The final closing of any negotiation, either as the result of reaching an agreement or recognizing an impasse, is an important skill to learn and practice.

**Application Workshop**

Select 4 individuals from the audience to act as a committee representing the technologists in the department. The problem to be addressed: Excessive overtime with a fully staffed department and a normal patient volume. Management’s solution: begin rotating 2 technologists to a later shift (10 am to 7 pm). Problem: all technologists have either family or evening commitments (school, etc.) and cannot work the later rotation. The mandate from management – reduce overtime in the department by a minimum of 80%. Consider possible solutions to sell to an
administrator (appointed from the audience) that has no clinical experience and only sees the bottom line.

References:


